THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15600 of 2006

**Dt.3-8-2006**

Between:

Mir Firasath Ali Baqri s/o.late Mir
Hasan Ali Baqri .. Petitioner

And

1. The Government of Andhra Pradesh, represented by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad.
2. Municipal Corporation of Hyderabad, represented by its Commissioner, Tank Bund, Hyderabad.
3. Hyderabad Metro Water Works & Sewerage Board, represented by its Managing Director, Khairatabad, Hyderabad.
4. Director of Sports, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad. ..

Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15600 of 2006

**ORDER:**

The Writ Petition is filed for a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in constructing compound wall to the premises of proposed 1000 KL ELSR, 600 KL Sump and Pump house at M.C.H., Play ground Balsetty Keth, Noorkhan Bazar, Hyderabad as illegal, arbitrary and to pass such other suitable orders.

It is stated that there is an old M.C.H., play ground in Balsetty Keth, Darulshifa, Hyderabad and is used by youth and children of the locality for playing games and other cultural activities and there is one library and gym for the past 60 years and in utter disregard of the requirement of the local people the respondents are resorting to constructing compound wall to the premises of proposed 1000 KL ELSR, 600 KL Sump and Pump House at the said place. It is stated that the petitioner being General Secretary of B.K. Sports Club submitted representation dated 6-8-2005 to the Chief Minister. It is also stated that the said action is contrary to G.O.Ms.No.72, dated 20-2-2002. It is further stated that a representation dated 15-7-2006 was made to the Commissioner, Municipal Corporation of Hyderabad and yet another representation dated 24-7-2006 was also made to

the 3rd and the 4th respondents. In the said circumstances, the petitioner approached this Court.

A counter affidavit is filed by the 3rd respondent narrating schedule land details. It is specifically stated that the proposed structure is a community structure and intended to improve water supply in the adjoining areas which would improve the public health and environment. It is also stated that W.P.No.24738/2005 was filed and the observations made in the prior Writ Petition also had been referred to. The order made in W.P.No.24738/2005 is placed before this Court and the relevant portion of the order reads as hereunder :

> "There is no dispute that the land admeasuring 3,654.24 sq.meters belongs to Municipal Corporation of Hyderabad. The new library building is being constructed in a corner of the land, which will not in any manner obstruct any other activity. Further, as rightly submitted by the learned standing Counsel for Hyderabad Metro Water Board, an extent of 2,213 square meters of land is proposed to be used for construction of sump and ELSR leaving 1,424 square meters of playground. Therefore, the submission of the learned Counsel for the petitioner that the entire playground is being used for construction cannot be accepted. Further, no material is placed before this Court to show that the land in question was earmarked for playground by the Municipal Corporation. Mere use of the open land belonging to the Corporation as a playground does not in any manner preventing the public authorities to take up any construction for the welfare of the public.
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> The Writ Petition is misconceived and is accordingly

dismissed. No costs."

In the light of the dismissal of the prior Writ Petition, this Court is of the considered opinion that the present Writ Petition is not a bona fide one at all. The remedy of the petitioner, if any, is elsewhere, but not to file the present Writ Petition. Accordingly, the Writ Petition shall stand dismissed, with costs.

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Justice P.S. Narayana

Date : 3-8-2006

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